

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS JOSEPH MELGER,
Plaintiff,
v.
GAVIN NEWSOM, et al.,
Defendants.

No. 2:23-cv-00603-DAD-JDP (PC)

ORDER DISMISSING ACTION DUE TO
PLAINTIFF'S FAILURE TO PAY FILING
FEE

Plaintiff Thomas Joseph Melger is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 1, 2023, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's application to proceed *in forma pauperis* under 28 U.S.C. § 1915(g) be denied because plaintiff had suffered three or more prior strike dismissals and that he be ordered to pay the required \$402.00 filing fee in order to proceed with this action. (Doc. No. 6.) On August 10, 2023, the undersigned adopted those findings and recommendations, denied plaintiff's motion to proceed *in forma pauperis*, and ordered plaintiff to pay the \$402 filing fee in full within thirty (30) days. (Doc. No. 7.) Plaintiff was cautioned that his failure to comply with that order and pay the required filing fee within the specified time would result in dismissal of this action. (*Id.* at 2.)

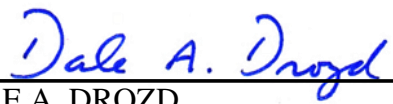
1 To date, plaintiff has not paid the required filing fee or requested an extension of time to
2 do so, and the deadline to pay the required filing fee has now passed.

3 Accordingly,

- 4 1. This action is dismissed without prejudice due to plaintiff's failure to pay the
5 required filing fee; and
- 6 2. The Clerk of the Court is directed to close this case.

7 IT IS SO ORDERED.

8 Dated: October 18, 2023


9 DALE A. DROZD
10 UNITED STATES DISTRICT JUDGE
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